

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ANNIE L. FEAGIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:20-cv-01107-JPH-MJD
	)	
JPMORGAN CHASE BANK, N.A.,	)	
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

This matter is before the Court on the following motions: Plaintiff's Verified Claim for Immediate Delivery of Property [Dkt. 21]; Plaintiff's Amended Verified Claim for Immediate Delivery of Property [Dkt. 29]; and the parties' Joint Motion to Interplead and Dismiss Chase with Prejudice [Dkt. 37]. On July 24, 2020, District Judge James Patrick Hanlon designated the undersigned Magistrate Judge to issue a report and recommendation regarding these motions pursuant to [28 U.S.C. § 636\(b\)\(1\)\(B\)](#). [Dkt. 43.] For the reasons set forth below, the Magistrate Judge recommends the following.

Plaintiff Annie L. Feagin alleges in her Complaint that she is entitled to the funds in a savings account held by Defendant JP Morgan Chase Bank, N.A. ("Chase"). Feagin is listed as an account holder on the account, along with Donna G. Tuohy, who died in 2018. Because the Estate of Donna Tuohy ("the Estate") also claims a right to the funds in the account, Chase has asserted a counterclaim against the Estate and Feagin pursuant to Federal Rule of Civil Procedure 22(a)(2), which permits a Defendant subject to a claim that may expose it to double or multiple liability to seek interpleader through a counterclaim.

The Estate and Feagin have now reached a settlement with Chase, pursuant to which Chase will deposit the funds at issue with the Court and be dismissed from this case, leaving the Estate and Feagin to litigate between themselves to resolve the issue of the ownership of the funds. In order for that to occur, the Estate and Feagin will need to file claims against one another. Accordingly, **the Magistrate Judge recommends that the Court order the following:**

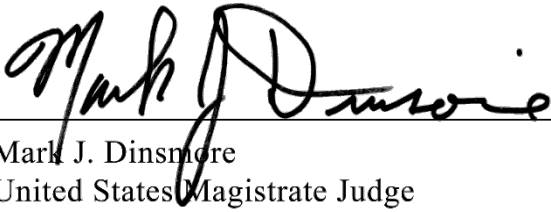
- Feagin's Verified Claim for Immediate Delivery of Property [Dkt. 21] is **WITHDRAWN** [see Dkt 37 ¶ 8];
- Feagin's Amended Verified Claim for Immediate Delivery of Property [Dkt. 29] is **WITHDRAWN** [see Dkt 37 ¶ 8];
- the parties' Joint Motion to Interplead and Dismiss Chase with Prejudice [Dkt. 37] is **GRANTED** and Chase is **ORDERED** to deposit the funds at issue into the Court's registry pursuant to Federal Rule of Civil Procedure 67 **within seven days of the date of the Court's Order;**
- Feagin is ordered to file an Amended Complaint **within seven days of the date that the funds are deposited by Chase** that asserts her claim(s) against the Estate; the Estate shall then assert its claims against Feagin as a counterclaim when it files its Answer to the Amended Complaint; and
- Once the funds have been deposited by Chase and the Amended Complaint has been filed, the Court will dismiss all claims against Chase and all claims asserted by Chase in this action with prejudice.

Any objections to the Magistrate Judge's Report and Recommendation shall be filed with the Clerk in accordance with [28 U.S.C. § 636\(b\)\(1\)](#) and [Fed. R. Civ. P. 72\(b\)](#), and failure to

timely file objections within fourteen days after service shall constitute a waiver of subsequent review absent a showing of good cause for such failure.

SO ORDERED.

Dated: 28 JUL 2020



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Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

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